

ORIGINAL

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE YVONNE GONZALEZ ROGERS, JUDGE

UNITED STATES OF AMERICA,)	
)	CHANGE OF PLEA
PLAINTIFF,)	
)	
VS.)	NO. CR 14-00094YGR
)	
CLARENCE LEE ANDREWS,)	PAGES 1 - 40
)	
DEFENDANT.)	OAKLAND, CALIFORNIA
)	FRIDAY, MARCH 14, 2014

REPORTER'S TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

FOR PLAINTIFF: MELINDA L. HAAG, ESQ.
UNITED STATES ATTORNEY
1301 CLAY STREET, SUITE 340-S
OAKLAND, CALIFORNIA 94612
BY: BRIGID S. MARTIN,
ASSISTANT UNITED STATES ATTORNEY

FOR DEFENDANT: BARRY J. PORTMAN
FEDERAL PUBLIC DEFENDER
555 - 12TH STREET, SUITE 650
OAKLAND, CALIFORNIA 94607-3627
BY: ELLEN V. LEONIDA,
ASSISTANT FEDERAL PUBLIC DEFENDER

REPORTED BY: RAYNEE H. MERCADO
CSR. NO. 8258

PROCEEDINGS REPORTED BY ELECTRONIC/MECHANICAL STENOGRAPHY;
TRANSCRIPT PRODUCED BY COMPUTER-AIDED TRANSCRIPTION.

1 FRIDAY, MARCH 14, 2014

11:39 A.M.

2 P R O C E E D I N G S

3 **THE CLERK:** CALLING CRIMINAL ACTION 14-0094, UNITED
4 STATES VERSUS CLARENCE ANDREWS.

5 COUNSEL, PLEASE STATE YOUR APPEARANCES.

6 **MS. MARTIN:** GOOD MORNING, YOUR HONOR. BRIGID MARTIN
7 FOR THE UNITED STATES.

8 **MS. LEONIDA:** GOOD MORNING, YOUR HONOR. ELLEN
9 LEONIDA FOR MR. ANDREWS. HE'S PRESENT IN CUSTODY.

10 **THE COURT:** MR. ANDREWS, GOOD MORNING.

11 **THE DEFENDANT:** GOOD MORNING.

12 **THE COURT:** I UNDERSTAND FROM YOUR ATTORNEY, SIR,
13 THAT YOU WOULD LIKE TO CHANGE YOUR PLEA TODAY FROM NOT GUILTY
14 TO GUILTY; IS THAT CORRECT?

15 **THE DEFENDANT:** YES, MA'AM.

16 **THE COURT:** ALL RIGHT. THERE'S SOME INDIVIDUALS IN
17 THE COURTROOM RIGHT NOW. DO YOU KNOW THEM?

18 LOOK IN THE BACK. DO YOU KNOW THOSE PEOPLE?

19 **MS. LEONIDA:** THEY WORK FOR THE GOVERNMENT, YOUR
20 HONOR.

21 **THE COURT:** OKAY.

22 **MS. MARTIN:** AND, YOUR HONOR, JUST AS A PRELIMINARY
23 MATTER, BECAUSE OF THE EVENTS OF -- OF YESTERDAY AND WHAT'S
24 HAPPENING IN THE CASE NOW, THERE ARE ITEMS THAT MAY BE
25 UNSEALED, AND THE GOVERNMENT WOULD MOVE TO UNSEAL SOME OF THE

1 ITEMS IN THIS CASE, SO JUST FOR PURPOSES OF PUTTING ON THE
2 RECORD, THE GOVERNMENT MOVES TO UNSEAL THE INDICTMENT IN THIS
3 CASE, AND THE GOVERNMENT ALSO MOVES TO UNSEAL THE NOTICE OF
4 RELATED CASES, WHICH HAS NOT YET BEEN GRANTED, AND ANY MOTION
5 TO SEAL THE MOTION OF RELATED CASES AND PROPOSED ORDER, AND
6 THEN EVERYTHING FROM YESTERDAY'S HEARING ON MARCH 13TH THROUGH
7 THE FUTURE.

8 THERE ARE A FEW ITEMS -- OR -- REMAINING ITEMS IN THIS
9 CASE WHICH THE GOVERNMENT'S NOT MOVING TO UNSEAL BECAUSE THEY
10 DO CONTAIN SENSITIVE INFORMATION RELATED TO AN ONGOING
11 INVESTIGATION.

12 BUT THE OTHER ITEMS THAT I'VE MENTIONED MAY BE UNSEALED AT
13 THIS TIME.

14 **THE COURT:** ALL RIGHT. THOSE MOTIONS TO UNSEAL ARE
15 GRANTED.

16 SOMEBODY TELL ME ABOUT THIS CASE.

17 **MS. MARTIN:** SO, YOUR HONOR, THIS CASE INVOLVES A
18 CONSPIRACY WITH A NUMBER OF INDIVIDUALS TO ROB VICTIMS WHO
19 HAVE PLACED JEWELRY ITEMS FOR SALE ON CRAIGSLIST. THEY'RE
20 VICTIMS FROM ALL OVER THE COUNTRY, SOME IN CALIFORNIA, SOME
21 OUTSIDE OF CALIFORNIA. AND THE VICTIMS ARE IDENTIFIED BY
22 COCONSPIRATORS, LURED INTO THE BAY AREA, AND THEN ROBBED OF
23 THE ITEMS, OR WERE -- THEY TRIED TO ROB THEM OF THE ITEMS.

24 THERE WERE MANY ROBBERIES THAT OCCURRED. THERE ARE
25 INDIVIDUALS THAT ARE CHARGED IN OTHER CASES IN THIS DISTRICT

1 WHICH ARE -- ARE SEPARATE FROM THIS ONE FOR -- BECAUSE PART OF
2 THE INVESTIGATION IS STILL ONGOING, SO --

3 FOR EXAMPLE, THERE ARE A FEW INDIVIDUALS CHARGED WITH A
4 ROBBERY ON JUNE 20TH. THAT IS A PART OF THE OVERALL
5 CONSPIRACY, NOT A SPECIFIC ROBBERY THAT THIS DEFENDANT WAS
6 INVOLVED IN. AND THERE ARE DEFENDANTS IN THAT ROBBERY, FOR
7 EXAMPLE, THAT WEREN'T INVOLVED IN OTHER ROBBERIES.

8 SO THERE HAS BEEN SOME PARSING. THERE'S ALSO -- HAS BEEN
9 DIFFERENCE IN STATUS IN SOME OF THESE CASES BECAUSE UP UNTIL
10 YESTERDAY -- FOR EXAMPLE, IN THIS CASE, WE HAD REASON TO THINK
11 THAT WE MIGHT WANT TO KEEP THIS CASE UNDER SEAL. HOWEVER,
12 BECAUSE THE DEFENDANT WOULD LIKE TO PLEAD OPEN NOW, THAT
13 REASON NO LONGER EXISTS.

14 **THE COURT:** THE NOTICE OF RELATED CASES THAT YOU
15 REFERENCED, WHO IS THAT NOTICE FILED WITH? WHO HAS THE LOWEST
16 NUMBERED CASE?

17 **MS. MARTIN:** JUDGE WHITE, YOUR HONOR.

18 **THE COURT:** AND WHEN DID THAT GET FILED?

19 **MS. MARTIN:** THAT GOT FILED ON --

20 **MS. LEONIDA:** I THINK MONDAY?

21 **MS. MARTIN:** YES, I THINK IT WAS MONDAY. I HAVE --
22 IT WAS -- IT'S DATED MARCH 10TH. HOWEVER, I DON'T KNOW IF IT
23 GOT FILED UNTIL MARCH -- YEAH, MONDAY MARCH 10TH.

24 **THE COURT:** HE'S NOT YET RULED ON THAT?

25 **MS. MARTIN:** HE HAS NOT, YOUR HONOR. THE GOVERNMENT

1 ALSO DOES PLAN, BECAUSE OF THE DEFENDANT'S DEMAND TO PLEAD
2 IMMEDIATELY, AFTER THE DEFENDANT DOES COMPLETE HIS PLEA, THE
3 GOVERNMENT DOES PLAN TO FILE AN ADDITIONAL NOTICE TO
4 JUDGE WHITE LETTING HIM KNOW THAT OUR EARLIER STATEMENT THAT
5 JUDICIAL ECONOMY WOULD BE SERVED BY RELATING THE CASES NO
6 LONGER EXISTS BECAUSE THE DEFENDANT IS PLEADING.

7 **THE COURT:** IS THAT THE REASON HE'S PLEADING SO
8 QUICKLY, MS. LEONIDA?

9 **MS. LEONIDA:** YOUR HONOR, THERE ARE MANY REASONS THAT
10 MR. ANDREWS IS PLEADING. HE IS EAGER TO ACCEPT RESPONSIBILITY
11 FOR HIS CONDUCT. HE IS, LIKE MANY DEFENDANTS, MISERABLE AT
12 THE COUNTY JAIL AND VERY ANXIOUS TO SPEED THE PROCESS ALONG
13 THE WAY.

14 **THE COURT:** WELL, IT'S INTERESTING FOR ME TO KNOW
15 THAT YOU'D RATHER PLEAD IN FRONT OF ME THAN JUDGE WHITE.
16 MAYBE I'LL TAKE THAT INTO CONSIDERATION.

17 **MS. MARTIN:** YOUR HONOR, THERE'S ONE MORE ITEM THAT I
18 WANTED TO RAISE BEFORE WE CONTINUE WITH THE DEFENDANT'S PLEA
19 THIS MORNING. AND THAT'S JUST TO PUT ON THE RECORD AND TO
20 ALSO LET THE DEFENDANT KNOW THAT HE SHOULD NOT BE DOING THESE
21 TYPES OF THINGS ANYMORE. THIS MORNING THE DEFENDANT ATTEMPTED
22 TO GIVE AN UNDER SEAL COMPLAINT AFFIDAVIT TO A COCONSPIRATOR
23 IN THIS CASE WHO HAPPENED TO BE HERE ON ANOTHER -- ON THE
24 RELATED CASE THIS MORNING.

25 MY UNDERSTANDING IS THAT THE DEFENDANT'S ATTORNEY HAS

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1 SPOKEN WITH HIM AND THAT THIS WON'T HAPPEN AGAIN, BUT THIS IS
2 EXTREMELY SERIOUS CONDUCT. AND I JUST WANTED TO BRING IT TO
3 THE COURT'S ATTENTION AND MAKE SURE THAT HE KNOWS ON THE
4 RECORD THAT THIS IS NOT CONDUCT THAT HE SHOULD BE ENGAGING IN.

5 **THE COURT:** LET'S PUT THE DEFENDANT UNDER OATH.

6 MS. LEONIDA, MOVE TO THE SIDE SO HE CAN BE IN FRONT OF THE
7 MICROPHONE, PLEASE.

8 (DEFENDANT SWORN.)

9 **THE COURT:** MR. ANDREWS?

10 **THE DEFENDANT:** YES.

11 **THE COURT:** DID YOU ATTEMPT TO GIVE SOMEONE AN
12 UNDERSEAL DOCUMENT?

13 **THE DEFENDANT:** YES, MA'AM.

14 **THE COURT:** WHY?

15 **THE DEFENDANT:** I JUST -- IT WAS JUST A COPY. HE
16 ASKED ME COULD HE SEE IT. AND -- THIS WAS YESTERDAY WHEN WE
17 CAME. AND I SAID I'D BRING IT THIS MORNING, AND I HANDED IT
18 TO THE -- THE MARSHAL HERE. I DIDN'T -- I DIDN'T REALIZE THAT
19 IT WAS, YOU KNOW, THAT SERIOUS. I REALLY DIDN'T. I'M USED TO
20 STATE PROCEDURES, AND, YOU KNOW, THEY AREN'T AS -- I'VE NEVER
21 BEEN UNDER A SEALED DOCUMENT THING AND, YOU KNOW, HOW THAT
22 GOES.

23 **THE COURT:** DID IT SAY "UNDER SEAL"?

24 **THE DEFENDANT:** I CAN'T REMEMBER IF IT SAID THAT ON
25 THAT PAPERWORK.

1 **MS. MARTIN:** THE PAPERWORK THAT -- IS RIGHT HERE THAT
2 HE HANDED TO THE OTHER DEFENDANT, AND IT DOES NOT HAVE THE
3 COVER SHEET ON IT THAT'S STAMPED "UNDER SEAL," BUT THE COVER
4 SHEET WAS STAMPED "UNDER SEAL."

5 AND THE DEFENDANT WAS IN COURT WHEN THE GOVERNMENT -- I
6 MEAN, EVERYTHING HAS BEEN UNDER SEAL UP UNTIL YESTERDAY, AND
7 THE GOVERNMENT DID -- WAS IN COURT WITH THE DEFENDANT WHEN WE
8 MOVED TO UNSEAL THE COMPLAINT FOR THE LIMITED PURPOSE OF
9 ALLOWING THE -- THE DEFENSE TO HAVE A COPY OF IT, SO HE -- HE
10 SHOULD HAVE KNOWN.

11 AND THERE WERE ALSO NOTATIONS ON IT. I'M NOT SURE WHAT
12 THEY MEAN. THERE WERE PORTIONS THAT ARE SHADED. THERE ARE
13 DASHED LINES ON A FEW LINES, AND THERE'S AN ASTERISK, SO I'M
14 NOT SURE IF HE WAS ATTEMPTING TO POINT OUT CERTAIN PORTIONS OF
15 THE AFFIDAVIT. I DON'T KNOW. BUT THERE ARE NOTATIONS OR --
16 ON THE -- ON THE DOCUMENT AS WELL.

17 **THE DEFENDANT:** CAN I SAY SOMETHING? MA'AM, IF IT
18 MATTERS AT ALL, I WAS TAKING NOTE FROM HER. I HAD THIS FOR A
19 WHILE. HE JUST -- I JUST SEEN HIM YESTERDAY, LIKE I SAID.
20 AND I -- I DIDN'T KNOW IT'S THIS SERIOUS.

21 **THE COURT:** MR. ANDREWS, IN THE FUTURE, I WOULD
22 SUGGEST THAT YOU DON'T DO ANYTHING WITHOUT THE -- TALKING TO
23 YOUR LAWYER.

24 **THE DEFENDANT:** YES, MA'AM.

25 **THE COURT:** YOU CAN GET IN SERIOUS TROUBLE. YOU

1 UNDERSTAND?

2 **THE DEFENDANT:** YES, MA'AM.

3 **THE COURT:** ALL RIGHT.

4 DO YOU UNDERSTAND, MR. ANDREWS, THAT YOU ARE UNDER OATH?

5 **THE DEFENDANT:** YES.

6 **THE COURT:** AND THAT MUST -- AND THAT MEANS THAT YOU
7 MUST TELL ME THE TRUTH IN ANSWER TO MY QUESTIONS. YOU
8 UNDERSTAND THAT?

9 **THE DEFENDANT:** YES.

10 **THE COURT:** DO YOU UNDERSTAND THAT IF YOU FAIL TO
11 TELL THE TRUTH, YOU CAN BE CHARGED WITH ADDITIONAL CRIMES BY
12 THE U.S. ATTORNEY'S OFFICE WHICH WILL CARRY ADDITIONAL
13 PENALTIES THAN THE ONES WE ARE SPEAKING OF TODAY?

14 YOU UNDERSTAND THAT?

15 **THE DEFENDANT:** YES, MA'AM.

16 **THE COURT:** DURING OUR DISCUSSION TODAY, IF AT ANY
17 TIME YOU'D LIKE TO TALK TO YOUR LAWYER, LET ME KNOW SO THAT I
18 CAN GIVE YOU AN OPPORTUNITY TO DO SO.

19 IS THAT AGREED?

20 **THE DEFENDANT:** YES.

21 **THE COURT:** ALSO AS YOU CAN SEE, THERE IS A COURT
22 REPORTER OVER HERE. SHE'S TYPING DOWN EVERYTHING THAT IS SAID
23 IN THE COURTROOM. THAT MEANS THAT SHE CANNOT TYPE DOWN
24 GESTURES. SHE CAN ONLY TYPE DOWN WORDS, SO YOU MUST USE WORDS
25 IN RESPONSE TO MY QUESTIONS.

1 AGREED?

2 **THE DEFENDANT:** YES.

3 **THE COURT:** LOOKS LIKE YOU ARE 39. IS THAT RIGHT?

4 **THE DEFENDANT:** YES.

5 **THE COURT:** WHERE DID YOU GO TO -- WHERE -- WHERE
6 WERE YOU BORN?

7 **THE DEFENDANT:** BERKELEY, CALIFORNIA.

8 **THE COURT:** AND WHEN DID YOU GET YOUR HIGH SCHOOL
9 DEGREE?

10 **THE DEFENDANT:** CASTLEMONT IN OAKLAND.

11 **THE COURT:** WHERE ARE YOU ATTENDING YOUR ONE YEAR OF
12 COLLEGE?

13 **THE DEFENDANT:** MERRITT.

14 **THE COURT:** I HAVE IN MY HAND YOUR APPLICATION FOR
15 PERMISSION TO ENTER A PLEA OF GUILTY. IS THAT YOUR
16 HANDWRITING ON THIS DOCUMENT ON THE FRONT PAGE? THAT'S OKAY.

17 IS IT YOUR HANDWRITING, OR IS IT YOUR ATTORNEY'S?

18 **THE DEFENDANT:** BELIEVE IT'S MY ATTORNEY IF IT'S NOT
19 MINE. I CAN'T SEE THAT FAR.

20 **THE COURT:** YOU CAN'T SEE IT. LET ME SEND IT BACK TO
21 YOU.

22 **THE DEFENDANT:** IT'S MY ATTORNEY'S.

23 **THE COURT:** OKAY.

24 CAN YOU READ AND WRITE ENGLISH, THOUGH? CAN YOU READ AND
25 WRITE ENGLISH?

1 **THE DEFENDANT:** YES, MA'AM.

2 **THE COURT:** WITHIN THE PAST 24 HOURS, HAVE YOU TAKEN
3 ANY MEDICATIONS?

4 **THE DEFENDANT:** NO.

5 **THE COURT:** HAVE YOU HAD ANY ALCOHOLIC BEVERAGES?

6 **THE DEFENDANT:** NO.

7 **THE COURT:** HAVE YOU HAD ANY DRUGS, WHETHER LEGAL OR
8 NOT?

9 **THE DEFENDANT:** NO.

10 **THE COURT:** IS THERE ANY REASON WHY YOU COULD NOT
11 UNDERSTAND WHAT IS HAPPENING IN COURT TODAY?

12 **THE DEFENDANT:** NO.

13 **THE COURT:** DO YOU UNDERSTAND THAT THE U.S. ATTORNEY,
14 BECAUSE YOU ARE UNDER OATH, IS ABLE TO USE ANY STATEMENT YOU
15 MAKE TODAY AGAINST YOU?

16 **THE DEFENDANT:** YES.

17 **THE COURT:** BY ASKING ME TO ALLOW YOU TO CHANGE YOUR
18 PLEA FROM NOT GUILTY TO GUILTY, MR. ANDREWS, YOU ARE GIVING UP
19 A NUMBER OF CONSTITUTIONAL RIGHTS, PARTICULARLY THOSE RELATED
20 TO YOUR RIGHT TO TRIAL.

21 DO YOU UNDERSTAND THAT?

22 **THE DEFENDANT:** YES.

23 **THE COURT:** YOU ARE WAIVING ALL OF YOUR TRIAL RIGHTS.

24 DO YOU UNDERSTAND?

25 **THE DEFENDANT:** YES.

1 **THE COURT:** WE WILL GO THROUGH THOSE, BUT I WANT YOU
2 TO UNDERSTAND THE BIG PICTURE HERE.

3 DO YOU UNDERSTAND THERE WILL BE NO TRIAL?

4 **THE DEFENDANT:** YES.

5 **THE COURT:** SO DO YOU UNDERSTAND THAT YOU HAVE THE
6 RIGHT TO CONTINUE WITH YOUR NOT GUILTY PLEA?

7 **THE DEFENDANT:** YES.

8 **THE COURT:** DO YOU UNDERSTAND THE RIGHT THAT YOU
9 HAVE, THAT YOU HAVE A RIGHT TO A SPEEDY, PUBLIC TRIAL BY A
10 JURY?

11 **THE DEFENDANT:** YES.

12 **THE COURT:** AND THAT THAT MEANS THAT 12 INDIVIDUALS
13 MUST UNANIMOUSLY AGREE THAT YOU ARE GUILTY BEYOND A REASONABLE
14 DOUBT OF EACH AND EVERY ELEMENT OF EACH AND EVERY CRIME THAT
15 IS BROUGHT AGAINST YOU IN ORDER FOR YOU TO BE FOUND GUILTY?

16 **THE DEFENDANT:** YES.

17 **THE COURT:** DO YOU UNDERSTAND THAT YOU HAVE THE RIGHT
18 TO HAVE AN ATTORNEY REPRESENT YOU AT ALL STAGES OF THE
19 PROCEEDINGS?

20 **THE DEFENDANT:** YES.

21 **THE COURT:** THAT IS, TRIAL AND ANY OTHER PROCEEDING.

22 DO YOU UNDERSTAND?

23 **THE DEFENDANT:** YES.

24 **THE COURT:** DO YOU UNDERSTAND THAT YOU HAVE THE RIGHT
25 TO HAVE THE COURT APPOINT AN ATTORNEY TO REPRESENT YOU IN THE

1 EVENT THAT YOU CANNOT AFFORD ONE?

2 **THE DEFENDANT:** YES.

3 **THE COURT:** DO YOU UNDERSTAND THE RIGHT THAT YOU --
4 YOU UNDERSTAND THAT YOU HAVE THE RIGHT TO REPRESENT
5 YOURSELF WITH THE COURT'S PERMISSION IF YOU SO CHOOSE?

6 **THE DEFENDANT:** YES.

7 **THE COURT:** DO YOU UNDERSTAND THAT AT TRIAL, YOU ARE
8 PRESUMED TO BE INNOCENT?

9 YOU UNDERSTAND THAT?

10 **THE DEFENDANT:** YES.

11 **THE COURT:** AND THAT MEANS THAT IT IS THE BURDEN OF
12 THE UNITED STATES TO PROVE THEIR CASE BEYOND A REASONABLE
13 DOUBT AND TO BRING IN EVIDENCE, WITNESSES, DOCUMENTS, ANY
14 OTHER KIND OF PHYSICAL EVIDENCE TO PROVE THEIR CASE.

15 DO YOU UNDERSTAND THAT?

16 **THE DEFENDANT:** YES.

17 **THE COURT:** DO YOU UNDERSTAND THAT YOU THEN HAVE THE
18 RIGHT TO SEE, CONFRONT, AND CROSS-EXAMINE ALL OF THE EVIDENCE
19 BROUGHT IN AGAINST YOU?

20 **THE DEFENDANT:** YES.

21 **THE COURT:** DO YOU UNDERSTAND THAT YOU HAVE THE RIGHT
22 TO REMAIN SILENT?

23 **THE DEFENDANT:** YES.

24 **THE COURT:** AND THAT MEANS THAT NO ONE CAN FORCE YOU
25 TO TESTIFY AGAINST YOURSELF.

1 **THE DEFENDANT:** YES.

2 **THE COURT:** YOU UNDERSTAND THAT YOU HAVE THE RIGHT TO
3 TESTIFY IF YOU SO CHOOSE?

4 **THE DEFENDANT:** YES.

5 **THE COURT:** YOU HAVE THE RIGHT TO PRESENT EVIDENCE IF
6 YOU CHOOSE?

7 **THE DEFENDANT:** YES.

8 **THE COURT:** YOU HAVE THE RIGHT TO USE THE POWER OF
9 THE GOVERNMENT TO COMPEL THE PRODUCTION OF WITNESSES,
10 DOCUMENTS, AND EVIDENCE TO HELP YOU IN YOUR DEFENSE.

11 **THE DEFENDANT:** YES.

12 **THE COURT:** BUT YOU ALSO HAVE THE RIGHT TO SIT THERE
13 AND SAY NOTHING BECAUSE YOU HAVE NO BURDEN IN A TRIAL.

14 DO YOU UNDERSTAND?

15 **THE DEFENDANT:** YES.

16 **THE COURT:** DO YOU UNDERSTAND THAT IF YOU CHANGE YOUR
17 PLEA, THERE WILL BE, THEN, NO TRIAL?

18 DO YOU UNDERSTAND THAT?

19 **THE DEFENDANT:** YES.

20 **THE COURT:** AND IF THERE'S NO TRIAL, THEN YOU WILL
21 HAVE NO RIGHT TO APPEAL ANY JURY VERDICT BECAUSE THERE WILL BE
22 NO JURY VERDICT.

23 DO YOU UNDERSTAND THAT?

24 **THE DEFENDANT:** YES.

25 **THE COURT:** AS PART OF YOUR APPLICATION, FOR PURPOSES

1 OF THE RECORD, THIS IS A SEVEN-PAGE DOCUMENT WITH A
2 SUPPLEMENT. I'M GOING TO HAND THIS BACK TO YOU SO YOU CAN SEE
3 IT AGAIN.

4 ON PAGE 2 -- I MEAN -- EXCUSE ME. ON PAGE 6, THERE ARE
5 TWO SIGNATURES. THEY'RE TOTALLY ILLEGIBLE SO I'M GOING TO ASK
6 YOU BOTH TO PRINT THE NAME ON THE BOTTOM, BOTH -- MR. ANDREWS,
7 CONFIRM FOR ME THAT THAT'S YOUR SIGNATURE AND THEN PRINT YOUR
8 NAME UNDERNEATH.

9 AND, MS. LEONIDA AS WELL, CONFIRM FOR ME THAT'S YOUR
10 SIGNATURE AND PRINT YOUR NAME UNDERNEATH.

11 AND THE SAME GOES FOR THE SUPPLEMENT. THERE IS A
12 SIGNATURE THAT IS ILLEGIBLE ON THE FRONT AND THE SECOND PAGE,
13 THE CERTIFICATION OF COUNSEL'S NOT SIGNED. IT NEEDS TO BE
14 SIGNED.

15 (PAUSE IN THE PROCEEDINGS.)

16 **THE COURT:** MS. MARTIN, WHILE THEY'RE DOING THAT,
17 HAVE YOU SEEN -- WERE YOU PROVIDED WITH A COPY OF THE
18 APPLICATION AND SUPPLEMENT?

19 **MS. MARTIN:** I WAS, YOUR HONOR. I'VE -- DID NOT GET
20 A CHANCE TO GO OVER IT IN DETAIL BEFORE NOW.

21 **THE COURT:** SO, MR. ANDREWS --

22 I'LL COME BACK TO YOU, MS. MARTIN.

23 MR. ANDREWS, IS THAT YOUR -- SO CAN YOU CONFIRM FOR ME
24 THAT THIS IS YOUR SIGNATURE ON THE APPLICATION AND THE
25 SUPPLEMENT?

1 **THE DEFENDANT:** YES.

2 **THE COURT:** MS. LEONIDA, WILL YOU CONFIRM FOR ME THAT
3 IS YOUR SIGNATURE ON THE APPLICATION AND SUPPLEMENT?

4 **MS. LEONIDA:** YES.

5 **THE COURT:** MR. ANDREWS, BEFORE SIGNING THIS
6 DOCUMENT, DID YOU READ EACH AND EVERY PARAGRAPH?

7 **THE DEFENDANT:** IT WAS READ TO ME VERBATIM THROUGH
8 THE --

9 **THE COURT:** OKAY. DID YOU HAVE AN OPPORTUNITY TO ASK
10 ANY QUESTIONS THAT YOU MAY HAVE HAD OF YOUR ATTORNEY WHEN
11 YOU -- WHEN YOU REVIEWED THE DOCUMENT WITH HER?

12 **THE DEFENDANT:** YES.

13 **THE COURT:** WITHOUT TELLING ME ANYTHING THAT WAS
14 SAID, WERE YOUR QUESTIONS ANSWERED?

15 **THE DEFENDANT:** YES.

16 **THE COURT:** MS. LEONIDA, CAN YOU ASSURE ME THAT THE
17 DEFENDANT UNDERSTANDS THE RIGHTS HE IS WAIVING AS PART OF THIS
18 APPLICATION?

19 **MS. LEONIDA:** YES, YOUR HONOR.

20 **THE COURT:** THIS APPLICATION IDENTIFIES, AT LEAST
21 FROM THE PERSPECTIVE OF THE DEFENDANT, THEIR VIEW AS TO THE
22 CONSEQUENCES OF A PLEA OF GUILTY AND THE ELEMENTS OF EACH OF
23 THE CHARGES THAT WERE BROUGHT AGAINST THE DEFENDANT.

24 HAVE YOU HAD AN OPPORTUNITY TO REVIEW THOSE, MS. MARTIN?

25 **MS. MARTIN:** I HAVE, YOUR HONOR.

1 **THE COURT:** DO YOU HAVE ANY COMMENTS?

2 **MS. MARTIN:** AS FAR AS THE DEFENDANT'S APPLICATION
3 GOES, WITH REGARD TO THE CHARGES AGAINST HIM AND THE ELEMENTS
4 THAT NEED TO BE PROVEN, BECAUSE THIS IS SECTION 1951(A), WHICH
5 IS SPECIFICALLY CONSPIRACY TO COMMIT ROBBERY AFFECTING
6 INTERSTATE COMMERCE AND NOT CONSPIRACY IN GENERAL, IT IS
7 CORRECT THAT THE DEFENDANT NEEDED TO AGREE WITH AT LEAST ONE
8 OTHER PERSON TO CONSPIRE TO ESSENTIALLY COMMIT ROBBERY, WHICH
9 IS OBTAINING PROPERTY FROM ANOTHER PERSON WITHOUT CONSENT,
10 USING THREATENED FORCE, VIOLENCE, OR FEAR.

11 HOWEVER, THERE IS ALSO THE ADDITIONAL ELEMENT OF -- THAT
12 AS A RESULT OF THAT, THAT COMMERCE IN ONE STATE TO ANOTHER WAS
13 OR WOULD HAVE BEEN AFFECTED IN SOME WAY, SO WE DO STILL NEED
14 THE INTERSTATE COMMERCE NEXUS ON PARAGRAPH 5 FOR THERE TO BE
15 AN ADEQUATE FACTUAL BASIS.

16 **THE COURT:** MS. LEONIDA?

17 **MS. LEONIDA:** I APOLOGIZE, YOUR HONOR. I LISTED THE
18 ELEMENTS IN THE SUPPLEMENT FOR CONSPIRACY AND NOT THE
19 INTERSTATE COMMERCE ELEMENT, BUT I AGREE THAT THIS IS A
20 NECESSARY ELEMENT. AND IT'S NOT IN DISPUTE HERE.

21 (PAUSE IN THE PROCEEDINGS.)

22 **THE COURT:** OKAY. THEN I WANT THESE TO BE
23 SUPPLEMENTED AND INITIALED.

24 DO YOU NEED A FEW MINUTES TO TALK TO YOUR CLIENT?

25 **MS. LEONIDA:** NOT VERY LONG, YOUR HONOR. WE HAVE

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1 DISCUSSED THE INTERSTATE COMMERCE ELEMENT WHEN WE DISCUSSED
2 THE CASE GENERALLY, SO I DON'T THINK WE NEED VERY MUCH TIME.

3 (PAUSE IN THE PROCEEDINGS.)

4 **THE COURT:** SO, MS. LEONIDA, IN THE FUTURE, THIS IS
5 WHY I DON'T GENERALLY RUSH OPEN PLEAS.

6 **MS. LEONIDA:** I UNDERSTAND, YOUR HONOR.

7 **THE COURT:** SO THAT EVERYBODY UNDERSTANDS AND IS ON
8 THE SAME PAGE WITH RESPECT TO THOSE ELEMENTS. IT'S ALSO THE
9 REASON I HAVE MY OWN SUPPLEMENT. IT'S NOT GENERALLY USED.

10 OKAY. SO LET'S GO OVER THESE -- MR. ANDREWS, AND I WILL
11 NOTE FOR THE RECORD IT DID LOOK LIKE THE -- MS. MARTIN AND
12 MS. LEONIDA CONFERRED, YES, ON THE CONTENT?

13 **MS. LEONIDA:** YES, YOUR HONOR.

14 **MS. MARTIN:** YES, YOUR HONOR.

15 **THE COURT:** OKAY.

16 SO, MR. ANDREWS, YOU HAVE BEEN CHARGED IN THE INDICTMENT
17 WITH ONE COUNT OF A VIOLATION OF TITLE 18 OF THE UNITED STATES
18 CODE AT SECTION 1951 SUBSECTION A, CONSPIRACY TO COMMIT
19 ROBBERY AFFECTING INTERSTATE COMMERCE.

20 IN ORDER FOR YOU TO BE FOUND GUILTY OF THIS OFFENSE, THE
21 PROSECUTION MUST PROVE BEYOND A REASONABLE DOUBT EACH OF THE
22 FOLLOWING: ONE, THAT THERE WAS AN AGREEMENT BETWEEN TWO OR
23 MORE PERSONS TO COMMIT ROBBERY.

24 DO YOU UNDERSTAND THAT?

25 **THE DEFENDANT:** YES.

1 **THE COURT:** TWO, THAT THE DEFENDANT BECAME A MEMBER
2 OF THE CONSPIRACY KNOWING AT LEAST ONE OF ITS OBJECTS AND
3 INTENDING TO HELP ACCOMPLISH IT.

4 UNDERSTAND THAT?

5 **THE DEFENDANT:** YES.

6 **THE COURT:** AND THREE, THAT THE ROBBERY DID OR HAD
7 THE POTENTIAL TO IMPACT INTERSTATE COMMERCE.

8 DO YOU UNDERSTAND THAT?

9 **THE DEFENDANT:** YES.

10 **THE COURT:** THE PENALTIES FOR A VIOLATION OF THIS
11 CODE SECTION ARE AS FOLLOWS: ONE, A MAXIMUM PRISON SENTENCE
12 OF 20 YEARS.

13 DO YOU UNDERSTAND?

14 **THE DEFENDANT:** YES.

15 **THE COURT:** A MAXIMUM TERM OF SUPERVISED RELEASE OF
16 THREE YEARS.

17 DO YOU UNDERSTAND THAT?

18 **THE DEFENDANT:** YES.

19 **THE COURT:** A MANDATORY SPECIAL ASSESSMENT OF \$100,
20 WHICH THE COURT IS OBLIGED TO IMPOSE.

21 DO YOU UNDERSTAND?

22 **THE DEFENDANT:** YES.

23 **THE COURT:** AND A MAXIMUM FINE OF \$250,000.

24 DO YOU UNDERSTAND THAT?

25 **THE DEFENDANT:** YES.

1 **THE COURT:** DO YOU UNDERSTAND THAT TO THE EXTENT THAT
2 THERE IS ANY NEED FOR FORFEITURE, THE COURT HAS THE POWER TO
3 SO ORDER. AND I UNDERSTAND, ACCORDING TO THE INDICTMENT, THAT
4 THERE IS A FORFEITURE ALLEGATION WITH RESPECT TO -- WELL, IT
5 DOESN'T IDENTIFY ANYTHING IN PARTICULAR, BUT ANY PROCEEDS
6 TRACEABLE TO THE ROBBERY.

7 DO YOU UNDERSTAND THAT?

8 **THE DEFENDANT:** YES.

9 **THE COURT:** THE COURT ALSO HAS THE AUTHORITY TO ORDER
10 RESTITUTION IF APPROPRIATE.

11 DO YOU UNDERSTAND THAT?

12 **THE DEFENDANT:** YES.

13 **THE COURT:** MR. ANDREWS, I ALSO NEED TO MAKE SURE
14 THAT THERE IS AN INDEPENDENT FACTUAL BASIS UPON WHICH A PLEA
15 OF GUILTY WOULD BE APPROPRIATE. SO I NEED YOU TO TELL ME IN
16 YOUR OWN WORDS WHAT YOU DID AND WHY YOU THINK YOU'RE GUILTY OF
17 THIS OFFENSE.

18 **THE DEFENDANT:** WELL, IT'S ACCORDING TO THE --

19 **THE COURT:** NO, I WANT YOU TO TELL ME IN YOUR OWN
20 WORDS.

21 **THE DEFENDANT:** OH, OKAY. I'M SORRY. WELL, 'CAUSE I
22 HAD SPOKEN -- TALKED TO SOMEONE ABOUT COMMITTING THIS HERE
23 CRIME. AND SO --

24 **THE COURT:** TELL ME WHAT HAPPENED. YOU KNOW MORE
25 ABOUT THIS THAN I DO.

1 **THE DEFENDANT:** RIGHT. RIGHT.

2 **THE COURT:** I KNOW NOTHING.

3 **THE DEFENDANT:** JUST THAT WE HAD SPOKE ABOUT IT.

4 **THE COURT:** YOU SPOKE ABOUT WHAT? WHAT DID YOU SPEAK
5 ABOUT?

6 **THE DEFENDANT:** WELL, ABOUT MEETING PEOPLE AND TAKING
7 THINGS FROM THEM -- I MEAN -- YOU KNOW, TAKING THINGS FROM
8 THEM, BASICALLY. I DON'T KNOW WHAT YOU ACTUALLY WANT TO HEAR,
9 LIKE --

10 **THE COURT:** I WANT TO KNOW IS -- I WANT TO KNOW WHAT
11 HAPPENED. I WANT YOU TO TELL ME SPECIFICALLY WHAT HAPPENED
12 THAT MAKES YOU THINK YOU'RE GUILTY OF THIS CRIME.

13 THIS IS CONSPIRACY TO COMMIT ROBBERY, SO WHAT DID YOU DO?

14 **THE DEFENDANT:** WELL, I KNOWINGLY ACCEPTED SOMETHING,
15 SOLD SOMETHING THAT I KNEW THAT WAS TAKEN FROM A CRIME.

16 **THE COURT:** OKAY. YOU KNOW, MR. ANDREWS, YOU'RE
17 MAKING THIS MORE COMPLICATED --

18 **THE DEFENDANT:** BUT I --

19 **THE COURT:** -- THAN IT NEEDS TO BE, SO PRETEND
20 THAT -- THAT I'M A FAMILY MEMBER OR -- OR A FRIEND AND
21 YOU'RE -- YOU'RE BRAGGING ABOUT WHAT YOU DID. I WANT TO KNOW
22 WHAT YOU DID. IN YOUR OWN WORDS. YOU DON'T NEED TO USE
23 LEGALESE. YOU NEED TO TELL ME WHAT HAPPENED.

24 **THE DEFENDANT:** OKAY.

25 -- ABOUT MEETING PEOPLE, PICKING THEM UP --

1 **THE COURT:** PICKING THEM UP WHERE?

2 **THE DEFENDANT:** FROM THE AIRPORT AND TAKING THEM
3 SOMEWHERE, YOU KNOW, SPECIFIC PLACES AND TAKING THEM AND
4 HAVING THEM GIVE UP THE STUFF AND --

5 **THE COURT:** OKAY. WHAT STUFF? AND WHY WOULD YOU BE
6 AT THE AIRPORT?

7 **THE DEFENDANT:** THAT'S WHERE THEY WOULD LAND. THAT'S
8 WHERE THEY FLOWN INTO.

9 **THE COURT:** WHO? WHO WOULD LAND? WHO WAS FLYING IN?

10 **THE DEFENDANT:** OH, DIFFERENT PEOPLE. I'M NOT SURE.
11 I CAN'T REMEMBER THE NAMES.

12 AND THEN THINGS WILL BE TAKEN FROM THEM AT ANOTHER
13 LOCATION.

14 **THE COURT:** OKAY. SO -- YOU WERE CALLED OR YOU
15 CALLED THEM?

16 **THE DEFENDANT:** NO, THEY WERE CALLED --

17 **THE COURT:** SO TELL ME ABOUT THE SCHEME.

18 **THE DEFENDANT:** I'M SAYING IT WAS THE OTHER -- THE
19 OTHER PEOPLE -- I WAS CALLED JUST IN TO PICK UP, AND THEN
20 THE -- THE GUY ON THE OTHER END OR -- OR WHAT'S THEY NAME?

21 **MS. LEONIDA:** YOU CAN SAY NAMES, TOO.

22 **THE DEFENDANT:** ALL RIGHT. WELL, JERMAINE WAS --

23 **THE COURT:** SO WHAT DID JERMAINE DO? AND THEN HE
24 CALLED YOU. HE DID SOMETHING AND CALLED YOU.

25 **THE DEFENDANT:** YEAH. YEAH, HE WOULD TALK TO THE

1 PEOPLE ON LINE OR HOWEVER HE CONTACT THEM, 'CAUSE I DIDN'T
2 REALLY -- YEAH, CALL THEM OR -- HOWEVER HE REACHED THEM.

3 **THE COURT:** MR. ANDREWS, YOU'RE ASSUMING THAT I KNOW
4 SOME STUFF HERE.

5 **THE DEFENDANT:** RIGHT.

6 **THE COURT:** SO -- SO --

7 **THE DEFENDANT:** OKAY. HE WOULD GO ONLINE, CONVERSE WITH
8 (PHONETIC) PEOPLE, MAKE ARRANGEMENTS FOR THEM TO BE AT
9 THE AIRPORT.

10 **THE COURT:** FOR WHAT? WHY WOULD THEY MAKE
11 ARRANGEMENTS ABOUT WHAT?

12 **THE DEFENDANT:** BUYING AND SELLING JEWELRY.

13 **THE COURT:** OKAY.

14 **THE DEFENDANT:** AND THEN I WOULD PICK THEM UP AND
15 TAKE THEM TO A LOCATION, AND THEN THEY -- THEY WOULD BE ROBBED
16 AT THE SPOT -- AT THE LOCATION OR -- YEAH, WHERE THERE WAS --

17 **THE COURT:** OKAY. SO YOU WERE -- HOW WERE YOU
18 SUPPOSED TO PICK THEM UP? THAT IS --

19 **THE DEFENDANT:** EXCUSE ME?

20 **THE COURT:** HOW DID -- WHY WOULD THEY GET IN A CAR
21 WITH YOU? WHAT WAS THE PLAN?

22 **THE DEFENDANT:** OH, I WOULD BE THE DRIVER.

23 **THE COURT:** YOU WERE SUPPOSED TO BE A DRIVER FOR
24 JERMAINE.

25 **THE DEFENDANT:** NO, A LIMOUSINE SERVICE.

1 **THE COURT:** SO JERMAINE WANTED YOU TO PRETEND TO BE A
2 LIMOUSINE SERVICE?

3 **THE DEFENDANT:** YES.

4 **THE COURT:** HE CALLED YOU UP AND SAID, HEY, I NEED
5 YOU TO BE A LIMO -- A LIMOUSINE SERVICE? IS THAT WHAT HE
6 SAID, ESSENTIALLY? OR WHAT DID HE SAY?

7 **THE DEFENDANT:** ESSENTIALLY THAT'S -- I DON'T WANT TO
8 TELL YOU SOMETHING THAT I CAN'T REMEMBER VERBATIM.

9 **THE COURT:** OKAY. SO TELL ME GENERALLY.

10 **THE DEFENDANT:** YEAH. JUST THAT HE NEEDED ME TO PICK
11 SOMEBODY UP, TAKE THEM OVER HERE AND, YOU KNOW, AND THEN THEY
12 WOULD BE ROBBED AT THE -- WHATEVER PLACE THEY --

13 **THE COURT:** AND HE TOLD YOU THEY WERE GOING TO BE
14 ROBBED?

15 **THE DEFENDANT:** YEAH. IN SO MANY WORDS.

16 **THE COURT:** AND -- WHAT DO YOU MEAN, "IN SO MANY
17 WORDS"?

18 **THE DEFENDANT:** I'M SAYING LIKE -- HE WOULDN'T SAY
19 THAT, BUT, YEAH, I KNEW WHAT WAS GOING ON.

20 **THE COURT:** HOW DID YOU KNOW? WHAT DID HE SAY,
21 GENERALLY SPEAKING?

22 **THE DEFENDANT:** THAT WHEN THEY GET OVER HERE, WE
23 GOING TAKE THE JEWELRY FROM THEM.

24 **THE COURT:** AND WHAT DID HE EXPECT YOU TO DO?

25 **THE DEFENDANT:** I DIDN'T -- I DIDN'T HAVE TO DO

1 ANYTHING. I MEAN, JUST -- I WOULD JUST HAVE THEM THERE, AND
2 THEY'D BE TAKEN OUT OF THE CAR.

3 **THE COURT:** AND DID THIS EVER HAPPEN?

4 **THE DEFENDANT:** YEAH.

5 **THE COURT:** HOW MANY TIMES DID YOU PARTICIPATE?

6 **THE DEFENDANT:** TWICE.

7 **THE COURT:** OH, YOU PICKED UP PEOPLE AT THE AIRPORT
8 TWO TIMES?

9 **THE DEFENDANT:** YES.

10 **THE COURT:** AND YOU TOOK THEM WHERE?

11 **THE DEFENDANT:** IN THE -- COCO COUNTY AREA.

12 **THE COURT:** OKAY. YOU TOOK THEM TO A HOUSE? A
13 SECLUDED AREA?

14 **THE DEFENDANT:** NO, NO.

15 **THE COURT:** WHERE'D YOU TAKE THEM?

16 **THE DEFENDANT:** IT WAS A -- NEAR A -- I DON'T KNOW
17 WHAT KIND OF ESTABLISHMENT. I DON'T KNOW IF IT WAS A -- LIKE,
18 A CENTER OR SOMETHING, AND THEN THERE WAS A FIELD. I DON'T
19 KNOW THE SPECIFIC STREETS. BUT IT WAS JUST RIGHT OFF THE
20 FREEWAY BOTH TIMES.

21 **THE COURT:** 242 OR 680 OR WHERE?

22 **THE DEFENDANT:** 880. 880.

23 **THE COURT:** OFF OF 880.

24 **THE DEFENDANT:** YES.

25 **THE COURT:** SO YOU DROVE THEM OFF 880. YOU GOT OFF

1 THE HIGHWAY, TOOK THEM TO -- WHAT WAS -- A PARKING LOT?

2 **THE DEFENDANT:** YES. YES.

3 **THE COURT:** WERE THERE BUILDINGS AROUND?

4 **THE DEFENDANT:** ONE TIME, YES, LIKE, RESIDENTIAL.

5 AND LIKE I SAID, IT WAS A CENTER OF SOME SORT.

6 **THE COURT:** LIKE A BUSINESS CENTER?

7 **THE DEFENDANT:** MORE -- LIKE A SCHOOL-ish KIND OF

8 THING. I --

9 **THE COURT:** SO YOU GOT THERE, AND -- WHAT'S HIS NAME
10 AGAIN?

11 **THE DEFENDANT:** JERMAINE.

12 **THE COURT:** HE WAS ALREADY THERE?

13 **THE DEFENDANT:** NO, NO, NO. JERMAINE IS IN JAIL.

14 **THE COURT:** WHEN YOU TOOK THE PEOPLE TO THE PARKING
15 LOT TO BE -- TO HAVE THEIR JEWELRY TAKEN FROM THEM, WERE YOU
16 MEETING PEOPLE THERE?

17 **THE DEFENDANT:** OH, YEAH, THEY WERE ALREADY THERE.

18 **THE COURT:** THEY WERE ALREADY THERE.

19 SO THEN YOU DRIVE UP IN THE LIMO, AND WHAT HAPPENS?

20 **THE DEFENDANT:** THEY OPEN THE DOORS AND GRAB THEM
21 OUT.

22 **THE COURT:** DID THEY HURT THEM?

23 **THE DEFENDANT:** ONE PARTICULAR TIME, I BELIEVE ONE
24 WAS HURT.

25 **THE COURT:** HOW DID THEY HURT THEM?

1 **THE DEFENDANT:** I DON'T KNOW. THEY WERE HITTING HIM,
2 YOU KNOW. TUSSLING WITH HIM AND HITTING HIM.

3 **THE COURT:** AND WHAT DID YOU DO?

4 **THE DEFENDANT:** I STAYED IN THE CAR.

5 **THE COURT:** AND WHEN THEY FINISHED, WHAT HAPPENED?

6 **THE DEFENDANT:** I DROVE OFF. I MEAN, I DIDN'T,
7 LIKE -- IT WAS (SNAPPING FINGERS), LIKE QUICK. I JUST DROVE
8 OFF.

9 **THE COURT:** SO THE TWO INDIVIDUALS GOT OUT OF THE CAR
10 AND YOU DIDN'T STAY?

11 **THE DEFENDANT:** NO.

12 **THE COURT:** DO YOU KNOW WHAT HAPPENED TO THE TWO
13 INDIVIDUALS?

14 **THE DEFENDANT:** NO. I MEAN, I KNOW THAT THEY DID NOT
15 STAY AT THAT SCENE, BUT NO.

16 **THE COURT:** THEY TAKE THEM SOMEWHERE?

17 **THE DEFENDANT:** NO.

18 **THE COURT:** DID YOU GO BACK TO THAT -- TO THAT PLACE?
19 DO YOU KNOW WHAT HAPPENED TO THESE PEOPLE?

20 **THE DEFENDANT:** NO. I KNEW THAT THEY -- I KNEW THAT
21 THEY WEREN'T THERE 'CAUSE I DID GO BACK LATER ON, AND THEY
22 WEREN'T -- THERE WAS NO ONE THERE.

23 **THE COURT:** WHEN DID THIS HAPPEN?

24 **THE DEFENDANT:** EARLIER LAST YEAR.

25 **THE COURT:** DO YOU KNOW APPROXIMATELY WHEN IN 2013?

1 **THE DEFENDANT:** NO, MA'AM. I DON'T REMEMBER
2 SPECIFICALLY WHEN. I JUST KNOW IT WAS JUST THE LATTER PART
3 OR -- OR THE MIDDLE PART OF LAST YEAR.

4 **THE COURT:** BEFORE OR AFTER SUMMER?

5 **THE DEFENDANT:** PROBABLY ABOUT SUMMER. I'M NOT
6 REALLY SURE.

7 **THE COURT:** MR. ANDREWS, HAS ANYONE THREATENED YOU IN
8 ANY WAY TO FORCE YOU TO CHANGE YOUR PLEA?

9 **THE DEFENDANT:** NO.

10 **THE COURT:** ARE YOU PLEADING GUILTY TO PROTECT
11 SOMEONE?

12 **THE DEFENDANT:** NO.

13 **THE COURT:** HAS ANYONE PAID OR OFFERED TO PAY YOU IN
14 EXCHANGE FOR A PLEA?

15 **THE DEFENDANT:** NO.

16 **THE COURT:** HAS ANYONE PROMISED YOU ANYTHING OR
17 THREATENED YOU IN ANY WAY, SHAPE, OR FORM IN EXCHANGE FOR A
18 PLEA?

19 **THE DEFENDANT:** NO.

20 **THE COURT:** I BELIEVE YOU'VE BEEN REPRESENTED -- THIS
21 IS EARLY IN THIS CASE, BUT YOU'VE BEEN REPRESENTED BY
22 MS. LEONIDA THE WHOLE TIME; IS THAT CORRECT?

23 **THE DEFENDANT:** YES.

24 **THE COURT:** HAVE YOU BEEN SATISFIED WITH HER
25 REPRESENTATION?

1 **THE DEFENDANT:** YES.

2 **THE COURT:** ANY REASON TO COMPLAIN?

3 **THE DEFENDANT:** NO.

4 **THE COURT:** COUNSEL, IS THERE ANY REASON WHY HIS PLEA
5 SHOULD NOT NOW BE TAKEN?

6 **MS. LEONIDA:** NO, YOUR HONOR.

7 **MS. MARTIN:** YOUR HONOR, MAY I HAVE ONE MOMENT TO
8 CONSULT WITH MS. LEONIDA?

9 **THE COURT:** YES.

10 (OFF-THE-RECORD DISCUSSION.)

11 **MS. LEONIDA:** YOUR HONOR, I'VE -- IN CONSULTATION
12 WITH MS. MARTIN, MR. ANDREWS IS VERY NERVOUS AND HE TRIED TO
13 ANSWER YOUR QUESTIONS AS SPECIFICALLY AS POSSIBLE AND HE DID
14 NOT LIE, BUT THERE ARE OTHER INCIDENTS THAT MS. MARTIN WANTED
15 ON THE RECORD AS PART OF THE FACTUAL BASIS.

16 MY REQUEST WOULD BE THAT SHE READ HER PREPARED FACTUAL
17 BASIS STATEMENT INTO THE RECORD, AND THEN HE'LL HAVE AN
18 OPPORTUNITY TO AGREE WITH THAT. BUT I THINK IN HIS EFFORT TO
19 ANSWER YOUR SPECIFIC QUESTIONS, HE DIDN'T ANSWER AS BROADLY AS
20 THE GOVERNMENT WANTED HIM TO.

21 **MS. MARTIN:** I THINK THAT THAT WOULD HELP MAYBE CURE
22 SOME OF THE -- THE ISSUES IN THIS CASE. THERE ARE SOME
23 ADDITIONAL FACTS THAT THE GOVERNMENT THINKS ARE IMPORTANT TO
24 INCLUDE IN THE PLEA, AND AS LONG AS THE DEFENDANT AGREES THAT
25 THOSE ARE ACCURATE --

1 **THE COURT:** GO AHEAD, MS. MARTIN.

2 SO, MR. ANDREWS, I'M GOING TO ASK THAT YOU LISTEN VERY
3 CLOSELY TO WHAT MS. MARTIN IS PROFFERING THAT THE GOVERNMENT
4 WOULD BE ABLE TO PROVE IF THIS CASE WENT TO TRIAL BECAUSE I
5 WILL HAVE QUESTIONS FOR YOU AFTERWARDS.

6 ALL RIGHT?

7 **THE DEFENDANT:** YES.

8 **MS. MARTIN:** SO AMONG THE ADDITIONAL FACTS THAT THE
9 GOVERNMENT WOULD BE PREPARED TO PROVE BEYOND A REASONABLE
10 DOUBT ARE THAT BETWEEN -- AT LEAST ON OR BEFORE FEBRUARY 18TH,
11 2013, THROUGH ON OR ABOUT JANUARY 29TH, 2014, THAT THE
12 DEFENDANT CONSPIRED OR AGREED WITH ONE OR MORE OTHER PEOPLE,
13 SPECIFICALLY JERMAINE NELSON, WHO HE HAS ALREADY MENTIONED, AS
14 WELL AS MICHAEL MARTIN AND CAINE BRAZEAL (PHONETIC) AND
15 OTHERS, TO OBTAIN PROPERTY THAT HE KNEW HE WAS NOT ENTITLED TO
16 RECEIVE BY INDUCING VICTIMS TO PART WITH THE PROPERTY BY THE
17 THREAT OF FORCE OR FEAR.

18 AMONG OTHER ROBBERIES, THE DEFENDANT HELPED TO PLAN WITH
19 THE COCONSPIRATORS AND PARTICIPATED IN THE FOLLOWING FIVE
20 ROBBERIES OR ATTEMPTED ROBBERIES: FIRST --

21 **THE COURT:** SO -- I'M GOING TO BE -- BECAUSE IT
22 SOUNDS LIKE THERE IS A LOT THERE, WE'RE GOING TO GO TAKE THIS
23 ONE AT A TIME.

24 YOU'VE HEARD WHAT SHE SAID SO FAR; IS THAT ACCURATE?

25 **THE DEFENDANT:** CAN I SPEAK WITH MY ATTORNEY JUST FOR

RAYNEE H. MERCADO, CSR, RMR, CRR, FCRR (510) 451-7530

1 A SECOND?

2 **THE COURT:** YOU MAY.

3 (OFF-THE-RECORD DISCUSSION.)

4 **THE COURT:** LET'S JUST STAND IN RECESS HERE FOR TWO
5 MINUTES.

6 (RECESS TAKEN AT 11:44 A.M.; PROCEEDINGS RESUMED AT 12:20
7 P.M.)

8 **THE COURT:** CAN YOU ANSWER MY QUESTION NOW?

9 WE'RE BACK ON THE RECORD. THE RECORD WILL REFLECT THAT
10 ALL PARTIES ARE PRESENT.

11 **THE DEFENDANT:** YES.

12 **THE COURT:** IS WHAT -- SO EVERY -- SO WHAT SHE JUST
13 SAID THUS FAR, ALL OF THAT'S ACCURATE?

14 **THE DEFENDANT:** YES.

15 **THE COURT:** MS. MARTIN.

16 **MS. MARTIN:** OKAY. AMONG THE ROBBERIES THAT
17 DEFENDANT WAS INVOLVED IN SPECIFICALLY ON FEBRUARY 18TH, 2013,
18 THE DEFENDANT CONSPIRED TO COMMIT AND PARTICIPATED IN A
19 ROBBERY IN MANTECA, CALIFORNIA AS PART OF THE CONSPIRACY. THE
20 DEFENDANT AGREED WITH OTHERS, PLANNED AND PARTICIPATED IN THE
21 ROBBERY OF THE NEW YORK DIAMONDS JEWELRY STORE IN MANTECA,
22 CALIFORNIA.

23 **THE COURT:** IS THAT CORRECT?

24 (OFF-THE-RECORD DISCUSSION.)

25 **MS. LEONIDA:** CAN WE HAVE A MINUTE, YOUR HONOR?

1 (OFF-THE-RECORD DISCUSSION.)

2 **THE COURT:** MS. LEONIDA, WE CAN TAKE A BREAK IF YOU
3 NEED TO TALK TO YOUR CLIENT AND WE CAN FINISH THIS UP THIS
4 AFTERNOON.

5 **MS. LEONIDA:** I THINK WE'RE READY, YOUR HONOR.

6 MR. ANDREWS HAD SOME QUESTIONS ABOUT WHETHER THESE WERE
7 LEADING TO SUPERSEDING INDICTMENTS AND -- AND SO THAT WAS WHAT
8 I WAS TALKING TO HIM ABOUT, AND I THINK WE'VE ADDRESSED THAT
9 NOW.

10 **MS. MARTIN:** AND I THINK PART OF THE ISSUE HERE, YOUR
11 HONOR, IS THAT IF THE DEFENDANT PLEADS TO CERTAIN THINGS AND
12 NOT OTHER THINGS, THEN THERE COULD BE OTHER INDICTMENTS AND
13 SEPARATE CHARGES AGAINST THE DEFENDANT, SO THAT'S PART OF THE
14 ISSUE HERE.

15 **THE COURT:** ALL RIGHT.

16 **MS. LEONIDA:** I THINK WE'RE READY.

17 **THE COURT:** SO WERE YOU INVOLVED IN THE MANTECA
18 CONSPIRACY TO ROB THE NEW YORK DIAMOND JEWELRY STORE?

19 **THE DEFENDANT:** YES.

20 **THE COURT:** WELL, WHAT WAS YOUR ROLE?

21 **THE DEFENDANT:** IT'S -- I JUST -- WE TALKED ABOUT IT.

22 **THE COURT:** YOU TALKED WITH THE INDIVIDUALS THAT SHE
23 MENTIONED EARLIER?

24 **THE DEFENDANT:** YEAH, WELL, I -- I WAS THERE AT
25 THE -- IN THE -- IN THE VICINITY, AT THE WAL-MART. NEXT TO

1 IT, IT'S A BIG PLAZA. AND THEN AFTERWARDS, THE -- YOU KNOW,
2 I -- I WILLINGLY ACCEPTED THE JEWELRY THAT CAME FROM THERE AND
3 SOLD THEM SOMEWHERE.

4 **THE COURT:** MS. MARTIN.

5 **MS. MARTIN:** THAT'S WHAT THE GOVERNMENT WOULD PROVE,
6 THAT THE DEFENDANT CONSPIRED WITH OTHER PEOPLE TO ROB THE
7 STORE AND THEN TOOK THE ITEMS STOLEN FROM THE MANTECA JEWELRY
8 STORE AND SOLD THEM TO A THIRD PARTY.

9 MR. ANDREWS WAS ALSO INVOLVED IN -- AS PART OF THE
10 CONSPIRACY IN A ROBBERY ON JUNE 10TH, 2013, IN OAKLAND.
11 DURING THAT EVENT, MR. ANDREWS AGREED WITH OTHERS, PLANNED AND
12 PARTICIPATED IN THE ROBBERY OF AN INDIVIDUAL VICTIM FROM OUT
13 OF STATE WHO ADVERTISED A ROLEX WATCH FOR SALE ON CRAIGSLIST.

14 HE PARTICIPATED IN THE SCHEME WHICH INVOLVED INDUCING THE
15 VICTIM TO FLY INTO OAKLAND TO SELL THE WATCH. COCONSPIRATORS
16 MET THE VICTIM AT A WELLS FARGO BANK IN OAKLAND. THE VICTIM
17 HANDED THE WATCH TO THE PURPORTED BUYER, ONE OF THE
18 COCONSPIRATORS, AND THAT PERSON RAN OUT OF THE BANK WITH THE
19 WATCH.

20 WHEN WITNESSES TRIED TO TACKLE THE PERSON THAT HAD JUST
21 RUN OFF WITH THE WATCH, OTHER MEMBERS OF THE CONSPIRACY USED
22 THEIR FISTS TO ATTACK THAT WITNESS AND ALLOW THE PERSON WITH
23 THE WATCH TO GET AWAY.

24 **THE COURT:** IS THAT ACCURATE, MR. ANDREWS?

25 **THE DEFENDANT:** YES.

1 **THE COURT:** AND WHAT WAS YOUR ROLE IN THAT PARTICULAR
2 EVENT?

3 **THE DEFENDANT:** I -- I GRABBED THE GUY THAT WAS
4 GRABBING THE GUY THAT HAD RAN OUT OF THE BANK.

5 **THE COURT:** OKAY. MS. MARTIN.

6 **MS. MARTIN:** ON JULY 3RD, 2013, MR. ANDREWS DURING
7 THE CONSPIRACY PARTICIPATED IN A ROBBERY IN EL CERRITO. THIS
8 WAS ONE OF THE ONES THAT MR. ANDREWS REFERENCED EARLIER, I
9 BELIEVE.

10 MR. ANDREWS AGREED WITH OTHERS, PLANNED AND PARTICIPATED
11 IN THE ROBBERY OF AN INDIVIDUAL VICTIM FROM
12 SOUTHERN CALIFORNIA WHO ADVERTISED DIAMONDS FOR SALE ON
13 CRAIGSLIST.

14 ON JULY 3RD, 2013, IN EL CERRITO, MR. ANDREWS PARTICIPATED
15 IN THE SCHEME WHICH INVOLVED INDUCING THE VICTIM TO FLY INTO
16 OAKLAND TO SELL DIAMONDS. A COCONSPIRATOR PICKED THE
17 DEFENDANT UP -- ONE OF THE COCONSPIRATORS PICKED THE
18 DEFENDANT -- OR EXCUSE ME -- PICKED THE VICTIM UP IN A
19 LIMOUSINE FROM THE AIRPORT AND DROVE THE VICTIM FROM THE
20 AIRPORT TO EL CERRITO, CALIFORNIA FOR THE PURPOSE OF ROBBING
21 THE VICTIM.

22 DURING THE ROBBERY, THIS VICTIM WAS INJURED WHEN THE
23 CONSPIRATORS USED A FIREARM AND HIT THE VICTIM ON THE HEAD
24 WITH THE FIREARM AND STOLE TWO DIAMONDS FROM THE VICTIM.

25 **THE COURT:** IS THAT ACCURATE, MR. ANDREWS?

1 **THE DEFENDANT:** YES.

2 **THE COURT:** NEXT.

3 **MS. MARTIN:** IN THE COURSE OF THE CONSPIRACY, THERE
4 WAS ANOTHER ROBBERY THAT MR. ANDREWS WAS INVOLVED IN ON JULY
5 11TH, 2013, ALSO REFERENCED BY MR. ANDREWS EARLIER.

6 MR. ANDREWS AGREED WITH OTHERS, PLANNED AND PARTICIPATED
7 IN THE ROBBERY OF AN INDIVIDUAL VICTIM FROM OUT OF STATE WHO
8 ADVERTISED A DIAMOND FOR SALE ON CRAIGSLIST.

9 ON JULY 11TH, 2013, IN CONTRA COSTA COUNTY, MR. ANDREWS
10 PARTICIPATED IN THE SCHEME IN WHICH THE CONSPIRATORS INDUCED
11 THE VICTIM TO FLY TO OAKLAND TO SELL THE DIAMOND. THE VICTIM
12 WAS PICKED UP BY COCONSPIRATORS AT THE AIRPORT AND DROVE TO A
13 PREDETERMINED ROBBERY LOCATION WHERE THE CONSPIRATORS PULLED
14 THE VICTIM OUT OF THE LIMOUSINE AND USED A SILVER HANDGUN TO
15 ROB THE VICTIM OF THE DIAMOND SHE HAD POSTED FOR SALE ON
16 CRAIGSLIST.

17 **THE COURT:** IS THAT ACCURATE AS WELL?

18 **THE DEFENDANT:** YES.

19 **THE COURT:** ON BOTH THE JULY EVENT (SIC), DID YOU
20 DRIVE THE CAR? DID YOU DRIVE THE LIMO?

21 **THE DEFENDANT:** ON WHICH ONE?

22 **THE COURT:** THE ONE -- THE GENTLEMEN FROM L.A.? DID
23 YOU DRIVE THE LIMO THERE?

24 **THE DEFENDANT:** I'M NOT SURE ABOUT THE L.A. -- YOU
25 KNOW, WHERE THEY WERE COMING FROM, BUT I REMEMBER DRIVING

1 TWICE.

2 **THE COURT:** ALL RIGHT. AND THE NEXT ONE?

3 **MS. MARTIN:** THE LAST ONE, YOUR HONOR, ON DECEMBER
4 16TH, 2013 -- AND THIS INVOLVED MR. ANDREWS PLANNING AND
5 AGREEING WITH OTHERS TO PARTICIPATE IN THE ROBBERY OF AN
6 INDIVIDUAL FROM OUT OF STATE WHO WAS SELLING A -- A WATCH ON
7 CRAIGSLIST. AND IN THIS CASE, THE COCONSPIRATORS RENTED A CAR
8 FROM AVIS RENTAL CAR AND HAD ANOTHER INDIVIDUAL POSE AS AN
9 AIRPORT LIMO DRIVER TO PICK UP THE INDIVIDUAL COMING TO SELL
10 THE ITEM.

11 THE DRIVER WENT TO THE AIRPORT TO ATTEMPT TO PICK UP THE
12 PERSON WHO THEY THOUGHT WAS THE SELLER. THIS WAS A DISRUPTION
13 BY LAW ENFORCEMENT AND ACTUALLY WAS AN UNDERCOVER LAW
14 ENFORCEMENT OFFICER. SO AT THAT POINT, THE ROBBERY ENDED, BUT
15 THE DEFENDANT DID AGREE TO ROB THIS PERSON AND THOUGHT THAT
16 THIS WAS A PERSON COMING THAT THEY WERE GOING TO ROB, AND HE
17 DID TAKE SUBSTANTIAL STEPS TOWARD COMPLETING THAT ROBBERY.

18 **THE COURT:** IS THAT ACCURATE, MR. ANDREWS?

19 **THE DEFENDANT:** YES.

20 **THE COURT:** AND WHAT WAS YOUR ROLE IN THIS LAST
21 EVENT?

22 **THE DEFENDANT:** JUST -- I JUST KNEW ABOUT IT AND MADE
23 STEPS LIKE I -- YOU KNOW, I -- I REMEMBER HIM ASKING ME TO DO
24 SOMETHING ONLINE, LIKE TYPE A MESSAGE OR SOMETHING.

25 **MS. MARTIN:** IN THIS PARTICULAR EVENT, DECEMBER 16TH,

1 2013, MR. ANDREWS WAS ACTUALLY ON THE TELEPHONE WITH THE LIMO
2 DRIVER AT THE TIME THAT THE AGENTS DISRUPTED THE CONSPIRACY.

3 **THE COURT:** DO YOU REMEMBER THAT, MR. ANDREWS?

4 **THE DEFENDANT:** YEAH, I -- I JUST DIDN'T REMEMBER
5 THAT. IT -- IT COULD HAVE BEEN -- VERY WELL TRUE. I JUST --
6 SPECIFICS RIGHT NOW, IT --

7 **THE COURT:** OKAY. ANYTHING ELSE, MS. MARTIN?

8 **MS. MARTIN:** FINALLY, THE GOVERNMENT WOULD BE ABLE TO
9 PROVE THAT THE UNLAWFUL TAKING OF THE PROPERTY OR ATTEMPT TO
10 TAKE THE PROPERTY INVOLVED IN THE CONSPIRACY ACTUALLY OR
11 POTENTIALLY AFFECTED COMMERCE BETWEEN ONE STATE AND ANOTHER IN
12 SOME WAY.

13 **THE COURT:** WOULD YOU AGREE WITH THAT, MR. ANDREWS?

14 **THE DEFENDANT:** YES.

15 **THE COURT:** ANYTHING ELSE?

16 **MS. MARTIN:** NO, THANK YOU, YOUR HONOR.

17 **THE COURT:** OKAY. IS THERE ANY REASON WHY HIS PLEA
18 SHOULD NOT NOW BE TAKEN?

19 **MS. LEONIDA:** NO, YOUR HONOR.

20 **MS. MARTIN:** NO, YOUR HONOR.

21 **THE COURT:** FORMAL READING OF THE INDICTMENT WAIVED?

22 **MS. LEONIDA:** YES, YOUR HONOR.

23 **THE COURT:** AND, MR. ANDREWS, WHAT IS YOUR PLEA TO
24 THE SOLE COUNT OF THE INDICTMENT, VIOLATION OF TITLE 18 OF THE
25 UNITED STATES CODE AT SECTION 951 SUBSECTION A, CONSPIRACY TO

1 COMMIT ROBBERY AFFECTING INTERSTATE COMMERCE RELATING TO THOSE
2 ACTS THAT HAVE BEEN DESCRIBED HERE IN COURT AND OCCURRED ON OR
3 BEFORE FEBRUARY 18TH, 2013, CONTINUING THROUGH AT LEAST
4 JANUARY 29TH, 2014, THAT YOU DID KNOWINGLY, WILLINGLY,
5 CONSPIRE TO COMMIT ROBBERY ON CERTAIN INDIVIDUALS WITH RESPECT
6 TO ARTICLES AFFECTING INTERSTATE COMMERCE, GUILTY OR NOT
7 GUILTY?

8 **THE DEFENDANT:** GUILTY.

9 **THE COURT:** THE COURT FINDS THAT THE DEFENDANT IS
10 FULLY COMPETENT AND CAPABLE OF ENTERING INTO AN INFORMED PLEA;
11 THAT IS -- HE IS AWARE OF THE NATURE OF THE CHARGES AND THE
12 CONSEQUENCES OF THAT PLEA; THAT HE KNOWINGLY, VOLUNTARILY,
13 INTELLIGENTLY, AND WITH THE ADVICE OF COUNSEL ENTERS A GUILTY
14 PLEA.

15 COURT FURTHER FINDS THAT THERE IS SUFFICIENT INDEPENDENT
16 FACTUAL BASIS TO SUPPORT THE CONVICTION. THE COURT THEREFORE
17 ACCEPTS THE PLEA AND FINDS YOU GUILTY OF THAT ONE COUNT.

18 AT THIS TIME, MR. ANDREWS, I AM GOING TO REFER YOU TO
19 PROBATION FOR A PRESENTENCE REPORT. THE WAY THE PROCESS
20 WORKS, THEY WILL MEET WITH YOU TO GAIN INFORMATION FROM YOU
21 THAT WILL ASSIST --

22 YOU KNOW WHAT? I DID FORGET SOMETHING.

23 MR. ANDREWS, DO YOU UNDERSTAND THAT THE COURT IS -- IT IS
24 THE COURT'S DUTY AND OBLIGATION TO DETERMINE A SENTENCE IN
25 EVERY CRIMINAL CASE?

RAYNEE H. MERCADO, CSR, RMR, CRR, FCRR (510) 451-7530

1 **THE DEFENDANT:** YES.

2 **THE COURT:** AND THAT IN ORDER TO DETERMINE WHAT A --
3 AN APPROPRIATE SENTENCE IS, THE COURT HAS AN OBLIGATION TO DO
4 A COUPLE OF THINGS.

5 FIRST, THE COURT WILL CALCULATE THE APPLICABLE SENTENCING
6 GUIDELINES CALCULATION BASED UPON A REVIEW OF THE SENTENCING
7 COMMISSION GUIDELINES RELATIVE TO THIS PARTICULAR CRIME AND
8 IMPACTED BY YOUR CRIMINAL HISTORY CATEGORY.

9 DO YOU UNDERSTAND THAT?

10 **THE DEFENDANT:** YES.

11 **THE COURT:** HAVE YOU REVIEWED THE CHART -- THIS
12 CHART, THIS SENTENCING TABLE (INDICATING) WITH YOUR ATTORNEY?

13 **THE DEFENDANT:** YES.

14 **THE COURT:** AS YOU CAN TELL, THERE IS AN OFFENSE
15 LEVEL HERE ON THE SIDE. THE COURT WILL DETERMINE WHAT THE
16 OFFENSE LEVEL IS FOR THIS CRIME AND THEN WILL HAVE THE
17 PRESENTENCE REPORT TO HELP DETERMINE WHAT YOUR APPROPRIATE
18 CRIMINAL HISTORY CATEGORY IS.

19 DO YOU UNDERSTAND THAT?

20 **THE DEFENDANT:** YES.

21 **THE COURT:** I'LL USE THIS TABLE, THEN, TO FIGURE OUT
22 WHAT THE APPROPRIATE RANGE IS IN TERMS OF AN APPROPRIATE
23 SENTENCE, BUT THAT'S JUST A STARTING POINT. ONCE I MAKE THAT
24 DETERMINATION, I WILL THEN -- OR THE COURT WILL THEN LOOK AT
25 THE SENTENCING FACTORS UNDER TITLE 18 OF THE UNITED STATES

1 CODE AT SECTION 3553 TO CONSIDER OTHER ISSUES THAT WOULD BE
2 IMPORTANT FOR PURPOSES OF DETERMINING WHAT A SENTENCE IS.

3 HAVE YOU GONE THROUGH THOSE FACTORS WITH YOUR ATTORNEY?

4 **THE DEFENDANT:** YES.

5 **THE COURT:** OKAY. THOSE FACTORS INCLUDE THINGS LIKE
6 THE HISTORY AND CIRCUMSTANCES OF THE DEFENDANT, THE
7 SERIOUSNESS OF THE OFFENSE, THE GOAL OF PROTECTING THE PUBLIC,
8 RESPECT FOR LAW, WHAT A JUST PUNISHMENT IS.

9 DO YOU UNDERSTAND THAT PROCESS?

10 **THE DEFENDANT:** YES.

11 **THE COURT:** OKAY.

12 I DIDN'T EXPLAIN THAT TO YOU BEFORE I TOOK YOUR PLEA. DO
13 YOU WANT TO CHANGE YOUR PLEA AT THIS TIME?

14 **THE DEFENDANT:** NO.

15 **THE COURT:** COUNSEL WAIVE ANY IRREGULARITIES?

16 **MS. LEONIDA:** YES, YOUR HONOR.

17 **MS. MARTIN:** YES, YOUR HONOR.

18 **THE COURT:** ALL RIGHT. MR. ANDREWS, THEN A
19 PRESENTENCE REPORT WILL BE PREPARED IN ORDER TO -- TO ASSIST
20 ME WITH THE SENTENCING DECISION THAT I HAVE TO MAKE. DURING
21 YOUR MEETING WITH PROBATION, YOU ARE ENTITLED TO HAVE YOUR
22 LAWYER WITH YOU.

23 A REPORT WILL BE PREPARED. BOTH PARTIES WILL HAVE AN
24 OPPORTUNITY TO REVIEW IT, MAKE ANY OBJECTIONS, AND RESOLVE --
25 AND ATTEMPT TO RESOLVE THOSE OBJECTIONS WITH PROBATION.

1 ONCE THAT PROCESS HAPPENS, A COPY OF THE REPORT WILL BE
2 FORWARDED TO ME. AND THEN BEFORE THE DATE ON YOUR SENTENCING,
3 I EXPECT I WILL RECEIVE MEMORANDUMS (SIC) FROM BOTH SIDES
4 INDICATING WHAT THEY BELIEVE AN APPROPRIATE SENTENCE IS.

5 AT THE TIME OF YOUR SENTENCING, YOU HAVE A RIGHT TO
6 ADDRESS THE COURT.

7 DO YOU UNDERSTAND THE PROCESS?

8 **THE DEFENDANT:** YES.

9 **THE COURT:** OKAY.

10 DATE FOR DISPOSITION.

11 **THE CLERK:** JUNE 5TH AT 2:00 P.M.

12 **THE COURT:** DOES THAT WORK, COUNSEL?

13 **MS. MARTIN:** YES, YOUR HONOR.

14 **MS. LEONIDA:** YES, YOUR HONOR.

15 **THE COURT:** ALL RIGHT. WE WILL SEE YOU JUNE 5TH AT
16 2:00 P.M.

17 **MS. MARTIN:** THANK YOU, YOUR HONOR.

18 **THE COURT:** THANK YOU.

19 (PROCEEDINGS WERE CONCLUDED AT 12:34 P.M.)

20 --OOO--

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2
3 **CERTIFICATE OF REPORTER**
4
5

6 I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT
7 FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

8 I FURTHER CERTIFY THAT I AM NEITHER COUNSEL FOR, RELATED TO,
9 NOR EMPLOYED BY ANY OF THE PARTIES TO THE ACTION IN WHICH THIS
10 HEARING WAS TAKEN, AND FURTHER THAT I AM NOT FINANCIALLY NOR
OTHERWISE INTERESTED IN THE OUTCOME OF THE ACTION.

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12 
13

RAYNEE H. MERCADO, CSR, RMR, CRR, FCRR, CCRR

14 FRIDAY, MAY 1, 2015
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